

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

WILLIE LEE JOHNSON,

Case No. 2:17-cv-01872-MK
ORDER

Plaintiff,

v.

COLETTE S. PETERS; BRAD CAIN;
ANTHONY JOHNSON; JONATHAN
LO; CHARLES PALMER; JERRY
MORDHORST,

Defendants,

AIKEN, District Judge.

Magistrate Judge Mustafa Kasubhai filed his Findings and Recommendations (“F&R”) (Doc. 125) recommending that defendants’ Motion for Summary Judgment (Doc. 113) be granted and plaintiff’s Motions for Summary Judgment and for Order (Docs. 117, 120) should be denied. This matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate judge’s report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*

Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982). Plaintiff has filed timely objections to the F&R (Doc. 127). Plaintiff has also filed a Motion for an Order to Vacate or Set Aside the F&R (Doc. 128) which the Court considers here as supplemental objections to the F&R. The Court also considers plaintiff's Declaration filed on August 26, 2020 (Doc. 129) in reviewing the F&R. Thus, the Court reviews the F&R *de novo*.

Having reviewed plaintiff's briefing and the full record of this case, the Court finds no error in Magistrate Judge Kasubhai's F&R. Accordingly, the Court adopts the F&R (Doc. 125) in its entirety. Defendants' Motion for Summary Judgment (Doc. 113) is GRANTED. Plaintiff's Motions for Summary Judgment and Order (Docs. 117 and 120) are DENIED. This action is dismissed. Any other motions are denied as moot.

IT IS SO ORDERED.

Dated this 8th day of September 2020.

/s/Ann Aiken
Ann Aiken
United States District Judge